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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,206	06/26/2003	Daniel J. Potter	11536US.00	7328

33486 7590 04/06/2005

HEIMBECHER & ASSOCIATES, LLC.
390 UNION BLVD
SUITE 650
LAKEWOOD, CO 80228-6512

EXAMINER

SAM, CHARLES H

ART UNIT PAPER NUMBER

3731

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller, Jr. 4,938,220 in view of Norlander et al. 6,562,049. Regarding claims 1,9 and 17, Mueller discloses a sheath 19 having at distal end a radiopaque marker 10 including edges or score lines 13. Mueller is lacking for not having the sheath score lines. However, Norlander discloses as shown in figures 6-10,12 the sheath score lines 46. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Mueller by adding the sheath score lines in view of Norlander so that the sheath can be split and removed from the patient.

Regarding claims 2-8 and 10-12, Norlander discloses the first and second sheath score lines 46, and Mueller discloses the first and second edges or score lines 13.

Regarding claims 13-16 and 20, the exact shape of the notch and the material of the radiopaque marker would have been an obvious matter of design choice.

Regarding claims 18 and 19, note figures 1 and 2 of Mueller's reference.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H. Sam whose telephone number is (571) 272-4703. The examiner can normally be reached on Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cl

CS

March 31, 2005


KEVIN T. TRUONG
PRIMARY EXAMINER